



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2014-14

Legistar #: 20140594

Board of Zoning Appeals Hearing: Monday, June 23, 2014 – 6:00 p.m.

Property Owner: Cobb County Kennestone Hospital Authority
Kennestone Hospital, Inc. as Lessee
% Wellstar Kennestone
805 Sandy Plains Road
Marietta, GA 30066

Applicant: Richard W. Calhoun, Esq.
As Agent for Petitioner,
Kennestone Hospital, Inc.
49 Atlanta Street
Marietta, GA 30060

Address: 818 Church Street

Land Lot: 10150 **District:** 16 **Parcels:** 0280

Council Ward: 4B **Existing Zoning:** CRC (Community Retail Commercial)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to allow an additional freestanding sign along the Church Street road frontage.
[§714.04 (F.)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



818 Church Street (unpermitted wall sign)



Unpermitted detached sign in location of proposed new sign



Sign at corner of Vann Street and Church Street



Existing signs along Church Street

Recommended Action:

Denial. Richard Calhoun, representing Kennestone Hospital Inc., is requesting a variance for an additional detached sign at 818 Church Street. This property, zoned CRC (Community Retail Commercial), is located at the southeastern corner of Church Street and Vann Street. The adjacent properties to the east and south are zoned OI (Office Institutional). This property has recently undergone renovations in order to establish a rehabilitation and urgent care clinic.

The applicant wishes to construct a new monument sign along Church Street. The proposed sign complies with the size and height limits for signs on arterial roads. However, Section 714.04 states “*For each property line that abuts public right-of-way for a distance of at least 75 feet, one free standing sign is permitted provided the sign area is located at least 5 feet from any property line.*” The property already contains three other detached signs, two along Church Street and a smaller sign near the corner of Vann Street and Church Street. There is also an unpermitted, fourth detached sign in the proposed location of the new sign that will presumably be removed if the variance is approved. All three signs are for Kennestone Gates, a medical office park to the rear (east) of the subject property. Although the sign proposed by the applicant would constitute a third (possibly fourth) detached sign along the Church Street frontage, it would be the only detached sign on the property advertising the actual occupants of the property. Prominent signage is important to the tenant considering the nature of the business (urgent care).

The existing two signs on Church Street do not serve any purpose other than to denote the entrance to Kennestone Gates. There is also no indication that these signs were ever permitted. The third existing sign, which is very visible from Church Street, advertises the Kennestone Gates complex to the rear and the tenants within that complex. The City has given the applicant the option to remove the text from the two signs on Church Street so they are no longer considered signs, just walls. This would have eliminated the need for a variance, as the smaller Kennestone Gates sign could be considered the Vann Street frontage sign. However, the applicant has stated that the Kennestone Gates Condominium Association will not allow them to remove any of the signs/text, but has not provided any legal documentation of an easement or legal right owned by the association which would prevent them from doing this.

Although there is a need for the urgent care clinic to be easily seen by passing motorists, the applicant has not given adequate justification that a legitimate hardship exists for this variance. The purpose statement section of the Sign Ordinance states:

In the absence of regulation, however, the number of signs tends to proliferate, with property owners desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners’ original purpose of presenting a clear message of its idea or identification of its premises. §714.01 (A.)

There are alternatives, other than seeking a variance, that could be taken by the applicant to provide signage for the tenants on site and the tenants located in the adjoining medical park.



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

Since the purpose of the sign ordinance is to prevent “*cluttered and aesthetically blighted thoroughfares*,” the demolition of the existing signs and the construction of one sign, listing all tenants and the presence of Kennestone Gates, along Church Street would achieve the desires of both the tenants and the City. ***As a result, staff recommends denial of this variance request.***